

Appl.No. 10/016/053
Am dt. Dated Aug. 26, 2004
Reply to Office Action of July 2, 2004

REMARKS/ARGUMENTS

Claims 17-20 are in the application. Claim 17 has been amended. All claims are under Final Rejection. Re-examination and reconsideration are respectfully requested.

On page 2, paragraph 2, of the Office Action, under the heading "Examiner's Amendment", it was stated as follows:

" An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David L. Ray on June 22, 2004.

Change "Claims 1-17 (cancelled)" to --Claims 1-16 (cancelled)--."

On page 2, paragraph 5 of the Office Action, under the heading "Claim Rejections - 35 USC § 103", it was stated as follows:

" Claims 17-20 are rejected under 35 USC 103(a) as being unpatentable over Steffen (4,037,527), in view of Zach (4,515,071). Steffen teaches, substantially each feature of the claimed invention as shown below. Steffen does not teach a unobstructed hole. Zach, however teaches an unobstructed hole. It would have been obvious to one of ordinary skill in the art at

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the time of invention to have modified Steffen to have an obstructed hole upstream of the fan in order to increase air flow."

Applicants respectfully submit that Figure 5 of Zach does not show an unobstructed opening in pneumatic pathway unit 12 located between fan blades 28 and grain bin 11 as recited in applicant's amended claim 17 for temporary receipt of hoses and electrical wires extending from the exterior of the pneumatic pathway unit 12 into bin 11, as claimed in applicant's claim 17. Figure 5 of Zach clearly discloses the openings (ports 39) to be upstream from fan blades 28 of Zach, and therefore fan blades 28 of Zach are located between the openings of Zach and grain bin 11. Fan blades 28 of Zach prevent hoses and electrical wires from being received in the openings of Zach and extending into grain bin 11. Thus, Zach teaches away from the presently claimed invention.

As stated in the discussion of Figure 5 of Zach in column 4, lines 39 – 50 of Zach:

" Referring now to Fig. 5, it will be appreciated that the benefits of the supplemental feed unit (14) may be realized also by providing a pneumatic pathway unit (12) comprised of a single diameter tube which has an annularly shaped flange (29) disposed within the pneumatic pathway (12) upstream of and proximal to the fan blade (28) (not shown in Fig. 5). To provide the greater source of air resulting from the gap between tubes (16 and 17) of the embodiment of Figs. 1 through 4, supplemental air inlet ports (39) may be provided through the pneumatic pathway (12) upstream of and proximal to the annular shaped flange (19)."(Emphasis supplied)

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The “unobstructed hole” of Zach referred to in the Final Rejection are “supplemental air inlet ports 39” located upstream of fan blades 28 of Zach; therefore, the ports 39 of Zach could not be used “for temporary receipt of said hoses and electrical wires” as claimed in applicants’ claim 17 because fan blade 28 of Zach would obstruct passage of hoses and electrical wires into the grain bin 11 of Zach.

As explained in detail above, Zach clearly teaches a hole which is “obstructed” by fan blades 28 from receiving wires and hoses for extension into grain bin 11. Therefore, the Office Action, in view of the present Amendments to the Claims, is clearly wrong in stating that “Zach, however teaches an unobstructed hole.”

Furthermore, the “unobstructed opening” of applicants’ claim 17 is located in the wall between the exhaust fan and the tank for temporary receipt of hoses and electrical wires extending from the exterior of the manway having the exhaust fan attached thereto into said tank. Therefore, the Office Action, in view of the present Amendments to the Claims, is clearly wrong in stating that “It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Steffen to have an obstructed hole upstream of the fan in order to increase air flow” when the purpose of the unobstructed openings of the invention is not to increase air flow, but instead the purpose is “for temporary receipt of hoses and electrical wires extending from the exterior of the manway having the exhaust fan attached thereto into said tank”.

Finally, the fan 13 of Zach and the fan 25 of Steffen are ventilation fans which blow air into a grain bin to dry grain, whereas the fan of the invention is

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clearly claimed as an "exhaust fan" which pulls air from a tank. Since the fan of the invention is an exhaust fan, placing multiple openings in the fan sleeve as taught by Zach would cause the fan to remove less air from the tank to which it is attached and decrease the efficiency of the fan. **Therefore, Zach teaches away from the invention in teaching multiple openings in the fan sleeve to increase air flow.**

On page 4, paragraph 1, of the Office Action, under the heading "Examiner's Response to Applicant's Remarks", it was stated as follows:

"Applicant's arguments with respect to claims 17-20 have been considered but are moot in view of the new ground(s) of rejection."

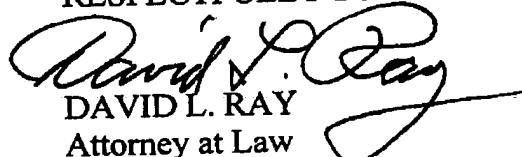
Applicants respectfully submit that the arguments in the previous response are not moot and are pertinent to the new grounds of rejection over Zach, supplemented by the presently submitted amendments and arguments.

Applicants respectfully request that the Examiner telephone applicants attorney if there are any suggest amendments to the claims which would render the application allowable.

In accordance with the foregoing remarks and amendments it is believed that all claims are in condition for allowance, and accordingly an early notice of allowance is respectfully requested.

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